

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CATHERINE ST. ROMAIN,

Plaintiff,

vs.

CIVIL ACTION NO. 5:21-cv-705

ALLSTATE VEHICLE AND
PROPERTY INSURANCE COMPANY

Defendant.

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES JUDGE:

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446 Defendant ALLSTATE TEXAS LLOYDS gives notice and hereby removes this action from the District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division, and in support thereof would show unto the Court the following:

I. INTRODUCTION

1. On June 7, 2021 Plaintiff Catherine St. Romain (hereinafter "Plaintiff") filed Plaintiff's Original Petition (hereinafter "Petition") in Cause No. 2021CI11284; *Catherine St. Romain v. Allstate Vehicle and Property Insurance Company.*; in the 131th Judicial District Court of Bexar County, Texas (the "State Court Action").

2. Plaintiff's lawsuit concerns a claim on her homeowner's insurance policy related to alleged damage to his property due to alleged wind/hail event in May of 2020. Plaintiff claims that damages to the home was not properly addressed. Plaintiff's petition asserts claims for breach of contract, insurance code violations, deceptive trade practices, breach of good faith and fair dealing and fraud.

3. Allstate demanded a jury trial in state court.

II. PROCEDURAL REQUIREMENTS

5. Venue is proper in the United States District Court for the Western District of Texas, San Antonio Division, because the State Court Action is pending within this district and division. *See* 28 U.S.C. §1441(a); *Also see* 28 USC §124(d)(4).

6. Pursuant to LR 81, attached hereto as **Exhibit A** is an Index of Matters. Pursuant to 28 U.S.C. §1446(a), attached hereto as **Exhibit B and C** and incorporated by reference is a true and correct copy of the docket sheet and all documents filed of record with the Court in the State Court Action including all process, pleadings, and orders served.

7. Simultaneously with the filing of this *Notice of Removal*, Defendant is filing notice of the removal in the State Court Action pursuant to 28 U.S.C. §1446(a), which is attached hereto as **Exhibit D**, and will provide written notice of the filing of this *Notice of Removal* to all parties as required by 28 U.S.C. §1446(a).

8. Included in this filing are Defendants "*Disclosure Statement and Certificate of Interested Parties* pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, **Exhibit E**, and *List of All Counsel of Record*, **Exhibit F**. The State Court information is contained in **Exhibit G**.

III. BASIS FOR REMOVAL

9. Removal is proper in this case due to complete diversity.

10. This Court has diversity jurisdiction under 28 U.S.C. §§1332(a). Where there is complete diversity among parties and the amount in controversy exceeds \$75,000.00, an action may be removed to federal court.

A. Diversity

11. For the purposes of diversity jurisdiction, a person is considered a citizen of the state where the person is domiciled. A corporation is considered a citizen of both its state of incorporation and where it has its principal place of business.

12. Per her petition, Plaintiff is domiciled in the state of Texas.

13. Defendant, Allstate is an Illinois corporation with its principal place of business in Illinois. Therefore, complete diversity exists between the Parties.

B. Amount in Controversy

14. Plaintiff's petition asserts on its face it seeks in excess of \$185,000.00 in damages.

16. Accordingly, the amount in controversy meets and exceeds the federal jurisdictional minimum of \$75,000.00.

IV. Prayer

WHEREFORE, Defendant removes the State Court Action from Bexar County District Court, to the United States District Court for the Western District of Texas, San Antonio Division, so that this Court may assume jurisdiction over the cause as provided by law.

Respectfully submitted,

LISA CHASTAIN & ASSOCIATES

/s/ Michael C. Maus

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ATTORNEY FOR DEFENDANT

ALLSTATE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon Plaintiff's counsel on this date.

Shaun Hodge via ECF and email
Hodge Law Firm, PLLC
Email: shodge@hodgefirm.com

/s/ *Michael C. Maus*

MICHAEL C. MAUS